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# **FACSIMILE TRANSMISSION**

**FAX RECEIVED**

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**To:**

| NAME   | FAX NO.      | PHONE NO. |
|--|--------------|-----------|
| U.S. Patent & Trademark Office<br>Office of Petitions<br>ATTENTION: PHILLIP GAMBLE | 703-308-6916 |           |

**FROM:** Timothy M. Kelley

**PHONE:** (414) 271-6560

**SENT BY:** Kate Jochman

**EXTENSION:** 3145

**LOCATION:** 30SC

|                                   |                |                          |      |
|-----------------------------------|----------------|--------------------------|------|
| NUMBER OF PAGES, INCLUDING COVER: | 9              |                          |      |
| CLIENT MATTER NUMBER:             | 092271-9010-01 | SENDER'S ACCOUNT NUMBER: | 0107 |

## **NOTES/COMMENTS:**

**RE: U.S. Serial No. 09/980,352**  
**Filed: November 30, 2001**

Following a telephone conversation between yourself and Sharon Johnson, attached please find a substitute REQUEST FOR WITHDRAWAL OF ABANDONMENT along with the supporting papers.

Please acknowledge receipt of these documents by return facsimile to (414)277-0656.

Thank you very much for your assistance with this matter.

**RECEIVED**

**30 JUN 2003**

**Legal Staff**  
**International Division**

THE INFORMATION CONTAINED IN THIS FACSIMILE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENTS NAMED ABOVE. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION, OR MAY BE PROPRIETARY CONFIDENTIAL INFORMATION OF A CLIENT, AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR ANY AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

**IF YOU DO NOT RECEIVE ALL OF THE PAGES OR IF YOU EXPERIENCE FAX TRANSMISSION PROBLEMS, PLEASE CALL FAX DEPARTMENT AT (414) 271-6560, Ext. 5467 AS SOON AS POSSIBLE.**

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re

Patent Application of

Robert Scott Youngquist, et al.

Application No. 09/980,352

Filed: November 30, 2001

Confirmation No.: 3107

International Application No. PCT/US00/05194

Int'l Filing Date: 01 March 2000

Examiner: Greg Toatley

"BIARYL COMPOUNDS"

I, Kate Jochman, hereby certify that this correspondence is being sent by Facsimile No. 703-308-6916 to the Office of Petitions to the Attention of Phillip Gamble, at the U.S. Patent and Trademark Office, on the date of my signature.

Signature

Date of Signature



21 May 03

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MAY 21 2003

PETITIONS DIVISION

## REQUEST FOR WITHDRAWAL OF ABANDONMENT

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

This is responsive to the Notice of Abandonment mailed November 19, 2002. The Notice states that the Applicant did not respond to the Notification of Missing Requirements in a timely manner. However, the Applicant did not receive the Notice of Missing Requirements; this fact was confirmed by Examiner Greg Toatley. Attached is a copy of our docketing record (which shows that we never received the Notice of Missing Requirements), a copy of the Declaration Combined with Power of Attorney and a copy of the Notice of Abandonment form.

Firm Docketing System

Upon the filing of a new U.S. application, a three-month docketing date is generated to confirm receipt of official notification of filing from the U.S. Patent Office. Should a Notification of Missing Requirements be received prior to expiration of this three-month date, it is immediately docketed for a two-month response, taking into consideration the possible extensions of time available for up to six months. I attest that this docketing system is accurate and that a Notification of Missing Requirements for Application No. 09/980,352 was never received.

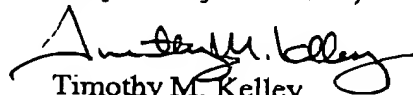
The Notification of Missing Requirements Form

After a telephone conference on December 17, 2002, Examiner Greg Toatley faxed to the undersigned a copy of the Notification of Missing Requirements form, a copy of this notification is also attached.

In view of the foregoing, Applicant respectfully requests that this Notice of Abandonment be withdrawn and for consideration of the application on the merits.

Please debit Deposit Account No. 13-3080 for any required petition fee.

Respectfully submitted,

  
Timothy M. Kelley  
Reg. No. 34,201

File No. 092271-9010-01

Michael Best & Friedrich LLP  
100 East Wisconsin Avenue  
Milwaukee, Wisconsin 53202-4108  
(414) 271-6560

**Country Application**

17-Dec-02

**Case Number:** 092271-9010**Volume No.:** 002**Country:** US**SubCase:** 01**Client:** University of Texas Southwestern M United States of America**Case Type:** PCT**Application Status:** Pending**Area(s):****Application Number:** 09/980352**Filing Date:** 30-Nov-2001

WO

**Patent Number:****Issue Date:****Publication Number:****Publication Date:****Priority Number:****Priority Date:** 01-Jun-1999**Confirmation Number:****Expiration Date:****Tax Schedule:** LE**Abandonment Date:****Agent:****Agent Reference Number:****List Of Actions**

| <b>Action(s) Due</b>           | <b>Due Date</b> | <b>Action Taken</b>  |
|--------------------------------|-----------------|----------------------|
| STATUS ON RECEIPT OF POSTCARD  | 30-Dec-2001     | Due Date 10-Dec-2001 |
| FILE PRELIMINARY AMENDMENT     | 28-Feb-2002     | Due Date 30-Nov-2001 |
| FILING RECEIPT FOLLOWUP        | 28-Feb-2002     | Due Date 28-Feb-2002 |
| INFORMATION DISCLOSURE STMT.   | 28-Feb-2002     | Due Date 28-Feb-2002 |
| STATUS CHECK ON POSTCARD       | 05-Apr-2002     | Due Date 01-Apr-2002 |
| FILE PRELIMINAR Follow Up Date | 30-May-2002     | Due Date 10-Dec-2001 |
| STATUS ON RECEIPT/ASSIGNMENT   | 05-Sep-2002     | Due Date 24-May-2002 |
| FILE PETITION TO REVIVE        | 19-Dec-2002     | Due Date             |
| FILING RECEIPT FOLLOWUP        | 30-Dec-2002     | Due Date             |
| INFORMATION DISCLOSURE STMT.   | 30-Dec-2002     | Due Date             |
| STATUS CHECK/ACKNOWLEDGING     | 05-Jan-2003     | Due Date             |
| 14 MO. FOLLOWUP                | 30-Jan-2003     | Due Date             |

**User ID:** mak**Date Created:** 12-Dec-2001**Last Update:** 30-May-2002

## DECLARATION COMBINED WITH POWER OF ATTORNEY

Page 1 of 2

Attorney Docket No. 7584

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled Biaryl Compounds the specification of which

(check one) ☐ is attached hereto.  
☒ was filed on March 1, 2000 as United States Application No. \_\_\_\_\_  
 or PCT International Application Serial No. PCT/US 00/05194  
 and was amended on \_\_\_\_\_

(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37 Code of Federal Regulations §1.56.

I hereby claim foreign priority benefits under Title 35 United States Code §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT International application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)Priority Claimed

| (Number) | (Country) | (Day/Month/Year Filed) | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
|----------|-----------|------------------------|------------------------------|-----------------------------|
|----------|-----------|------------------------|------------------------------|-----------------------------|

I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below.

60/137,0526/1/99

Application Serial No.

Filing Date

Application Serial No.

Filing Date

I hereby claim the benefit under Title 35 United States Code §120 of any United States application(s), or §365(c) of any PCT International application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35 United States Code §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37 Code of Federal Regulations §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

| U.S. Parent Application Number | PCT Parent Number | Parent Filing Date (MM/DD/YYYY) | Parent Patent Number (If applicable) |
|--------------------------------|-------------------|---------------------------------|--------------------------------------|
|                                |                   |                                 |                                      |

As named inventor, I hereby appoint the following registered practitioner(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

| Name               | Reg. No. | Associate Power of Attorney Attached                                |
|--------------------|----------|---|
| Jacobus, C. Rasser | 37,043   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| T. David Reed      | 32,931   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Bart S. Hersko     | 32,572   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Leonard W. Lewis   | 30,769   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| David L. Suter     | 30,692   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Timothy B. Guffey  | 41,048   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Catherine U. Brown | 44,565   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

SEND CORRESPONDENCE TO:

Catherine U. Brown

The Procter &amp; Gamble Company

(513) 627-1637

Name

Phone No.

Miami Valley Laboratories, P. O. Box 538707, Box 633, Cincinnati, Ohio 45253-8707

Street

City

State

Zip Code

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first joint inventor Robert Scott YoungquistInventor's signature [Signature]5-16-00

Date

Residence 8511 Charleston Knoll Court, Mason, OH 45040Citizenship U.S.Post Office Address The Procter & Gamble Company, Miami Valley Laboratories  
11810 East Miami River Rd., Ross, Ohio 45061Full name of second joint inventor, if any John McMillan McIVERInventor's signature [Signature]3/20/00

Date

Residence 9999 Indian Springs Drive, Cincinnati, OH 45241Citizenship U.S.Post Office Address The Procter & Gamble Company, Miami Valley Laboratories  
11810 East Miami River Rd., Ross, Ohio 45061

Commissioner for Patents  
Washington, DC 20231  
www.uspto.gov

| APPLICATION NUMBER | FILING DATE | FIRST NAMED APPLICANT   | ATTY. DOCKET NO./TITLE |
|--------------------|-------------|-------------------------|------------------------|
| 09/980,352         |             | Robert Scott Youngquist | 092271-9010            |

Timothy M Kelley  
Michael Best & Friedrich  
100 East Wisconsin Avenue  
Milwaukee, WI 53202

FAX RECEIVED

MAY 21 2003

PETITIONS OFFICE

CONFIRMATION NO. 3107

ABANDONMENT/TERMINATION  
LETTER

\*OC000000009056294\*

Date Mailed: 11/19/2002

**NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)**

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 01/08/2002.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to "Office of Petitions" at (703) 305-9282.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Biom. PCT  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT   | ATTY. DOCKET NO. |
|-----------------------------|-------------------------|------------------|
| 09/980,352                  | Robert Scott Youngquist | 092271-9010      |

| INTERNATIONAL APPLICATION NO. |
|-------------------------------|
|-------------------------------|

PCT/US00/05194

| LA. FILING DATE | PRIORITY DATE |
|-----------------|---------------|
|-----------------|---------------|

03/01/2000

06/01/1999

Timothy M Kelley  
Michael Best & Friedrich  
100 East Wisconsin Avenue  
Milwaukee, WI 53202

CONFIRMATION NO. 3107

371 FORMALITIES LETTER

OC000000007256089

Date Mailed: 01/08/2002

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Indication of Small Entity Status
- Priority Document
- Copy of IPE Report
- Copy of the International Application
- Copy of the International Search Report
- Preliminary Amendments

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and International filing date.
- \$65 Surcharge for providing the oath or declaration later than the appropriate 30 months from the priority date (37 CFR 1.492(e)) is required.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

**SUMMARY OF FEES DUE:**



Total additional fees required for this application is \$65 for a Small Entity;

- \$65 Late oath or declaration Surcharge.

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice MUST be returned with the response.*

PAULETTE R KIDWELL

Telephone: (703) 305-3656

PART 2 - OFFICE COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 09/980,352                  | PCT/US00/05194                | 092271-9010      |